

DOCUMENT
NO. 5142
ADOPTED 3/9/89

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

RESOLUTION

BE IT RESOLVED by the Boston Redvelopment Authority that an ORDER OF TAKING dated **MAR 9 1989** relating to a portion of the SOUTH END URBAN RENEWAL AREA, Mass. R-56, be executed and made a permanent part of these proceedings, a copy of which the Secretary shall cause to be recorded in the office of the Registry of Deeds for the County of Suffolk.

A true copy

CERTIFICATE

I hereby certify that the following names constitute the entire membership of the Boston Redevelopment Authority:

Joseph J. Walsh
James K. Flaherty
Clarence J. Jones

Michael F. Donlan
Francis X. O'Brien

A true copy

ATTEST:

Kare Simonian
Secretary of the Boston Redevelopment Authority

Terry
Joe Lach
Bk
Duke

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BOSTON REDEVELOPMENT AUTHORITY

ORDER OF TAKING

WHEREAS, the Boston Redevelopment Authority, in accordance with G.L. c.121B and its predecessor Statute G.L. c.121, adopted and filed in the Suffolk County Registry of Deeds, Book 8056, page 295, an ORDER OF TAKING, dated June 30, 1966, concerning and describing the SOUTH END URBAN RENEWAL AREA, all of the findings, determinations and descriptions set forth therein being incorporated herein by reference and made a part hereof; and

WHEREAS, the Boston Redevelopment Authority has deposited with the Mayor of the City of Boston security to his satisfaction for the payment of such damages as may be awarded in accordance with law to the owner or owners of said area, as required by G.L. c.79, §40.

NOW, THEREFORE, BE IT ORDERED that the Boston Redevelopment Authority, acting under the provisions of said c.121B, and all other authority thereunto enabling and pursuant to the applicable provisions of said c.79, and of any and every power and authority to it, granted or implied, hereby takes for itself in fee simple by eminent domain, for the purposes hereinbefore set forth or referred to, the area or areas located in the City of Boston as hereinafter described in ANNEX A.

AND FURTHER ORDERED that in accordance with the provisions of the said c.79, as amended, awards are made by the Boston Redevelopment Authority for damages sustained by the owner or owners and all other persons, including all mortgagees of record, having any and all interest in air rights as described in ANNEX A and entitled to any damage by reason of the taking hereby made. The Boston Redevelopment Authority reserves the right to amend the award at any time prior to the payment thereof by reason of a change in ownership or value of said property before the right to

damages therefor has become vested or for other good cause shown. The award hereby made is set forth in ANNEX B, which ANNEX B is not to be recorded in the Registry of Deeds with the Order of Taking.

AND FURTHER ORDERED that the Secretary of the Boston Redevelopment Authority cause this instrument of Taking to be recorded in the office of the Suffolk County Registry of Deeds.

IN WITNESS WHEREOF, we, the following members of the Boston Redevelopment Authority have caused the corporate seal of the Authority to be hereto affixed and these presents to be signed in the name and behalf of the Boston Redevelopment Authority.

DATED:

MAR 9 1989

BOSTON REDEVELOPMENT AUTHORITY

By:

James K. Flaherty
Clarence J. Jones
Sam O'Brien

ATTEST:

Kare Surianian

Secretary of the Boston Redevelopment Authority

Approved as to form:

Ralph F. Cahill

Ralph F. Cahill, Assistant General Counsel

ANNEX A

BOSTON REDEVELOPMENT AUTHORITY

SOUTH END URBAN RENEWAL AREA

TAKING AREA DESCRIPTION

The following air rights are to be taken by this Order of

Taking:

Certain air rights containing approximately thirty (30) square feet in Boston, Suffolk County, Massachusetts, above a horizontal plane from elevation 32.40 to elevation 44.20 Boston City Base, bounded and described as follows:

Beginning at the point of intersection of the Northeasterly sideline of Yarmouth Street, and the Northwesterly sideline of Columbus Avenue;

thence running N47°-45'-26"W by said Northeasterly sideline of Yarmouth Street twenty-eight and thirty hundredths (28.30) feet to a point, said point being the northeasterly corner of the said air rights containing approximately thirty (30) square feet;

thence running N47°-45'-26"W by said Northeasterly sideline of Yarmouth Street eight and fifty hundredths (8.50) feet to a point;

thence turning and running S42°-14'-34"W three and fifty hundredths (3.50) feet to a point;

thence turning and running S47°-45'-26"E eight and fifty hundredths (8.50) feet to a point;

thence turning and running N42°-14'-34"E three and fifty hundredths (3.50) feet to the said northeasterly corner of the said air rights containing approximately thirty (30) square feet, and also shown as a discontinued area of Yarmouth Street on a plan entitled, "City of Boston, Public Works Department Engineering Division Proper," dated December, 1988, prepared by Cullinan Engineering Co., Inc., Richard Raskind, Professional Land Surveyor, which is to be recorded with the Discontinuance of said air rights and is on file at the Public Works Department, City of Boston.

The supposed owner of the above parcel is the City of Boston.

The name of the owner herein listed as the supposed owner, although supposed to be correct, is listed for informational purposes only and is such only as matter of information, opinion and belief.

ANNEX B

BOSTON REDEVELOPMENT AUTHORITY

SOUTH END URBAN RENEWAL AREA

AWARD OF DAMAGES

Award for Order of Taking, dated March 9, 1989, for that air rights portion of the public way, located within the boundary of Yarmouth Street, Supposed Owner: City of Boston, is \$1.00.

MEMORANDUM

MARCH 9, 1989

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: ANTHONY WILLIAMS, ASSISTANT DIRECTOR FOR
NEIGHBORHOOD HOUSING AND DEVELOPMENT
JOHN NOONE, PROJECT MANAGER
JANET CARLSON, ASSISTANT GENERAL COUNSEL

SUBJECT: PARCEL 11 - TENT CITY - LOCATED IN THE
SOUTH END URBAN RENEWAL AREA, MASS. R-56:

ORDER OF TAKING
AMENDMENT TO LEIGHTON PARK LIMITED PARTNERSHIP
LEASE
AMENDMENTS TO LOAN AGREEMENTS

SUMMARY: This memorandum requests that the BRA adopt an Order of Taking for a portion of air rights above the Yarmouth Street sidewalk and approve the execution of amendments to the Leighton Park Limited Partnership lease and the loan agreements with the Tent City Corporation and Leighton Park Limited Partnership.

On December 19, 1985 the BRA approved Tent City Corporation, acting by and through Leighton Park Limited Partnership (LPLP), as the final designated redeveloper of Parcel 11 in the South End Urban Renewal Area, Boston, MA, R-56 for the construction of a mixed-income housing development and approximately 6,500 square feet of commercial space.

Pursuant to the December 19, 1985 final designation and the BRA vote of July 25, 1985, the Director of the BRA entered into a 99 year lease with LPLP and loan agreements with Tent City Corporation and LPLP. These documents were restated on January 25, 1988. The restated documents include the Restated Lease between the Boston Redevelopment Authority and Leighton Park Limited Partnership of Parcels 11A and B, the Restated BRA First Loan Agreement A between the Boston Redevelopment Authority and Leighton Park Limited Partnership, the Restated BRA First Loan Agreement B between the Boston Redevelopment Authority and Leighton Park Limited Partnership and the Restated BRA Second Loan Agreement between the Boston Redevelopment Authority and Tent City Corporation.

The documents anticipated that LPLP would rehabilitate the townhouse units located at the corner of Columbus Avenue and Yarmouth Street, as part of the development plan for Parcel 11. During construction of the Tent City project these townhouses became unsafe and the Inspectional Services Department of the City of Boston ordered that they be demolished.

To complete the Tent City project, Tent City Corporation and LPLP had Goody, Clancy & Associates, the architect of the Tent City project, design a plan for the vacant parcel. LPLP is now prepared to develop four new townhouses that will include ten apartments and ground level commercial space on the vacant parcel. As with the rest of Tent City, the townhouse units will be 25% low income, 50% moderate income and 25% market.

The Yarmouth Street end wall of the proposed townhouse building has a bay window which encroaches into the air rights above the Yarmouth Street sidewalk. On January 26, 1989 the BRA petitioned the Public Improvement Commission to request a discontinuance of the air rights above a portion of the Yarmouth Street sidewalk. The petition was granted approval.

The BRA is being asked to adopt an Order of Taking for a portion of air rights above the Yarmouth Street sidewalk in order to obtain title to the air rights and enable the BRA to convey good, marketable leasehold interests in the air rights to LPLP. This taking does not involve any monetary damages. The changes in the redevelopment program include the new construction of four townhouses on the vacant parcel, a reduction of the number of units in the Tent City project from 271 units to 269 units, and an increase in the site area (air rights).

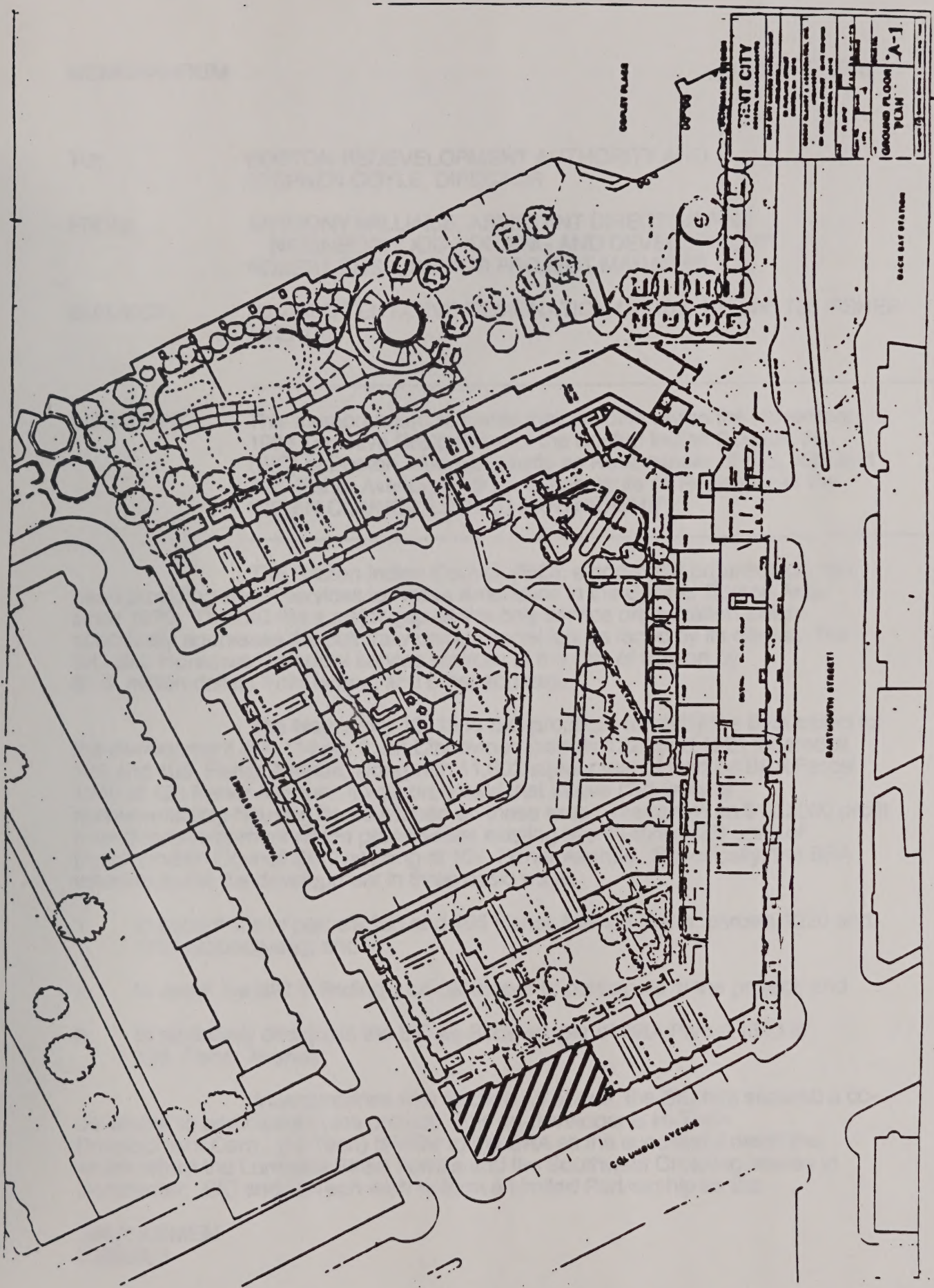
These changes necessitate amendments to the Restated Lease between the Boston Redevelopment Authority and Leighton Park Limited Partnership of Parcels 11A and B, the Restated BRA First Loan Agreement A between the Boston Redevelopment Authority and Leighton Park Limited Partnership, the Restated BRA First Loan Agreement B between the Boston Redevelopment Authority and Leighton Park Limited Partnership, and the Restated BRA Second Loan Agreement between the Boston Redevelopment Authority and Tent City Corporation.

It is, therefore, recommended that the BRA adopt an Order of Taking for a portion of air rights above Yarmouth Street located in the South End Urban Renewal Area and that the Director be authorized to amend the lease and loan agreements to reflect the new construction of four townhouses on the vacant parcel, the reduction of the number of units in the Tent City project from 271 units to 269 units and the increase of the site area (air rights).

VOTED: To adopt an Order of Taking of the air rights above the Yarmouth Street sidewalk as presented to this meeting; and

VOTED: To approve the changes to the Tent City project that include the construction of four new townhouses that will include ten apartments and ground level commercial space, the reduction of the number of units in the Tent City project from 271 units to 269 units and the increase in the site area by the area of the air rights above the Yarmouth Street sidewalk; and

VOTED: To authorize the Director to execute an amendment to the Restated Lease between the Boston Redevelopment Authority and Leighton Park Limited Partnership of Parcels 11A and B, South End Urban Renewal Area, Boston, MA, dated January 25, 1988, an amendment to the Restated BRA First Loan Agreement A between the Boston Redevelopment Authority and Leighton Park Limited Partnership, an amendment to the Restated BRA First Loan Agreement B between the Boston Redevelopment Authority and Leighton Park Limited Partnership, an amendment to the Restated BRA Second Loan Agreement between the Boston Redevelopment Authority and Tent City Corporation, all dated January 25, 1988, and any other documents necessary to effectuate the changes to the Tent City project, all on such terms and conditions as may be deemed advisable and in the best interest of the BRA.



TENT CITY	
ARCHITECT	
1000 BROADWAY, NEW YORK, N.Y.	
1935	
GROUND FLOOR PLAN	
A-1	

BACK BAY STATION

BARTMOUTH STREET

COLUMBUS AVENUE

COURT PLAZA

